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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/263,928 06/21/94 SCHLOSSARCYZK

34M2/1219
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H	355930WAB30
EXAMINER	
KORYTNYK, P	
ART UNIT	PAPER NUMBER

3403
DATE MAILED:

12/19/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948 |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-18 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-18 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit: 3403

Part III DETAILED ACTION

Drawings

1. The drawings are objected to because they fail to show how the single flapper-type valve member, 21 or 22, is attached to the head and shaped to concurrently control fluid flow through the inlet, admixture and outlet "breaches" as described in the specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. MPEP § 608.02(d). Correction is required.
2. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "overpressure free relief chamber" of claim 5 must be shown or the feature cancelled from the claim. No new matter should be entered.

Specification

3. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written

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description of the invention. The translation into English of the specification has resulted in an awkward, confusing and unclear disclosure of the invention. For example, the differentiation between "load" and "idling" conditions has not been clearly disclosed. The positioning of the valve 21 should be shown in both of these conditions. The sentence on page 8, lines 17-20, is confusing. In fact, the entire specification contains numerous non-idiomatic sentences. The admixture valve is disclosed as being able to be closed, however, this seems to be impossible considering the configuration of the valve shown. On page 10, it is not known what is meant by the term "overpressure". Also on page 10, "pressure regulator control" and "governor control" has been inadequately disclosed. Beginning on page 14, the disclosure of the "especially great negative pressure" condition is unclear. The description of the device utilizing two compression pistons, pages 16-23, is additionally unclear. The use of the word "breaches" throughout the specification is not considered a common or accurate usage in order to describe the referred to structure. Also throughout the specification, the use of the dual numbering system in parenthesis, to refer to functionally similar structure for different embodiments is considered confusing and it would be recommended to only refer to structure pertaining to one embodiment at a time. These are only a few of the errors found

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and it is recommended that a thorough review and re-write of the specification be made so that a clear understanding of the invention could be ascertained. The applicant is reminded that a signed statement acknowledging that no new matter has been added is required when submitting a substitute specification.

Claim Objections

4. Claims 1-5, 9, 12 and 13-16 are objected to because of the following informalities: Throughout the claims, the use of the dual numbering system in parenthesis is considered indefinite and confusing, for example, in claim 1, "(4,21; 4,22)". They should be corrected to only correspond to a single embodiment. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 1-18 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or

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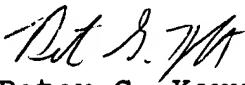
on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, as understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Holdsworth ('119). Holdsworth discloses an air compressor comprising a suction chamber 9 connected to a compression chamber, formed by cylinder 7 and piston 20, the connection being made via an inlet valve 17. An outlet chamber 14 is connected to the compression chamber via discharge valve 18 and an admixture chamber 13 is connected to the compression chamber via valve 21 during an idling mode (when the valve 15 is closed). Valve 27 acts to control the operation of the variably controlled valve 21 to lock open or closed the connection between the compression chamber and the admixture chamber and maintain a predetermined pressure therein.

Allowable Subject Matter

8. Claims 4-18 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Korytnyk whose telephone number is (703) 308-2632. The Fax number is (703) 305-3463.


Peter G. Korytnyk
Patent Examiner - Group 3403
December 11, 1994